

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES GERALD GARZA,

Defendant.

Case No. CR-10-6069-RMP

CRIMINAL MINUTES

DATE: 11/7/2012

LOCATION: YAKIMA

SENTENCING

**CHIEF JUDGE ROSANNA
MALOUF PETERSON**

Cindy Parks	Joseph Brown	N/A	Lynette Walters
Courtroom Deputy	Law Clerk	Interpreter	Court Reporter
Ian L. Garriques	Nick Marchi		
Plaintiff's Counsel	Defendant's Counsel		

[X] Open Court

Defendant **present** with counsel in custody of the US Marshal. Also present is USPO Officer Kevin Crawford.

Oral request for one last continuance by Mr. Marchi on behalf of Mr. Garza so that he may pursue his lawsuit against Benton County and their request for an independent medical exam; objection by Government.

Court: determines it will proceed with sentencing and any independent medical exam can be resolved through the BOP.

Recess: 1:30 pm – 2:00 pm
Court Reconvened

The Court rules on the objections in the presentence report, adopts all factual findings and accepts the presentence report as accurate.

Recommendations as to sentencing were made by counsel and a statement was made to the Court by the defendant.

Impr: 120 months. Court will recommend placement at Sheridan to be closer to family members and that the defendant be allowed to participate in the BOP's RDAT program.

Supervised Release: 8 years with standard conditions and the following **special conditions:**

- You shall submit your person, residence, office, or vehicle to a search, conducted by a U.S. probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of

violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You shall warn persons with whom you share a residence that the premises may be subject to search.

- You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.
- You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.
- You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

Special Penalty Assessment: \$100.00

Fine: waived

Government moves to dismiss Count 1 of the Indictment - ***Granted***

Appeal rights given to the extent they were not previously waived.

CONVENED: 1:19 PM 2:00 PM	ADJOURNED: 1:30 PM 2:32 PM	TIME: 11 MIN 32 MIN TOTAL: 43 MIN	
--	---	--	--